

the manufacture of a kit of parts in accordance with claim 15. The kit of parts of claim 15 is instead used in the steps of the method rather than being the end product of the method being claimed.

Claims 1 and 15 are instead related by a product and a process of using the product as noted in section 806.05(h) of the MPEP. Under this section a product and a process of using the product can only be shown to be distinct inventions if either the process of using as claimed can be practiced with another materially different product or the product as claimed can be used in a materially different process. Clearly the process cannot be practiced with another materially different product as the limitations of the product disclosed in claim 15 are included as limitations in claim 1 in which it states that a kit is provided including replacement side panels and a replacement roof. Furthermore the parts disclosed in claim 15 are clearly noted as being configured similarly to existing components of a cab of a truck and therefore have no use other than to replace existing panels when converting a truck in accordance with the process of claim 1.

Neither of the requirements under section 806.05(h) can be met and accordingly the product of claim 15 and the process of using in claim 1 cannot be held to be distinct inventions.

The Examiner suggests in his arguments that in the instant case, the process can be used for trailer conversion, however the steps of the method of claim 1 clearly only relate to the cab of a highway truck tractor. Trailers do not include either a sleeper cab or a day cab configuration as described in the claim.

In the event that the restriction requirement is upheld, claims 1-14 of the Examiner's Group I are withdrawn without prejudice. The applicant expressly

reserves the right to pursue the same or similar subject matter of Claims 1 through 14 in a continuation or divisional application as may later be desired.

Respectfully submitted
Darryl Budge

PER: 

Ryan W. Dupuis
Registration 47,345

November 25, 2004

RWD/hk

Winnipeg, Manitoba, Canada

Telephone (204) 947-1429 - FAX (204) 942-5723

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) 872-9306, on November 25, 2004

Heather Kirkpatrick


